

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHRISTINE M. SCULLY, §
Plaintiff, §
§
v. § Civil Action No. 3:05-CV-0574-B
§ ECF
MICHAEL J. ASTRUE, §
COMMISSIONER OF THE SOCIAL §
SECURITY ADMINISTRATION, §
Defendant. §

Findings and Recommendation

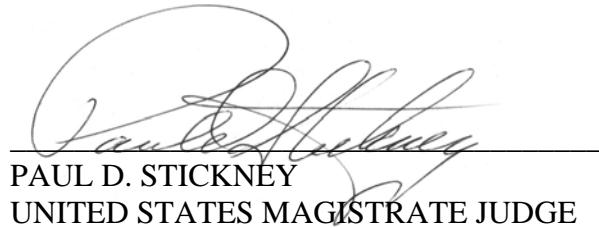
The District Court previously referred Plaintiff's Application for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 to this Court for findings and recommendation. The matter now comes before this Court on Plaintiff's Unopposed Motion to Lift the Stay on Plaintiff's Application for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. No. 37). Plaintiff requests that the stay on her EAJA application be lifted and that she be awarded attorney's fees in the amount of \$5,913.54 for attorney hours and paralegal hours.

After consideration of the record, the Court recommends that the stay be lifted, that Defendant's position was not substantially justified, that Plaintiff is entitled to fees under the Equal Access to Justice Act, and that the requested attorney fees are reasonable. Therefore, the Court hereby recommends that the District Court:

Lift the stay on the application for EAJA fees and award to Plaintiff attorney's fees under the Equal Access to Justice Act in the amount of \$5,913.54. This amount should be made payable directly to Plaintiff's attorneys, Troutman & Troutman, P.C., Tax ID No. 73-1487089, who will reimburse Plaintiff for the smaller of either the EAJA award or a subsequent award under 42 U.S.C.

§ 406(b), should one ultimately be authorized, as required by law.

Recommended this 20th day of February, 2007.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE